Threshold Concepts in Law: Intentional Curriculum Reform to Support Law Student Learning Success and Well-Being

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10 Threshold concepts in law

Intentional curriculum reform to support law student learning success and well-being

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Student well-being in tertiary education contexts is an important issue because the psychological health of students is a critical component of their capacity to learn effectively. A large body of international scholarship has now established that significant numbers of students of higher education experience elevated levels of psychological distress and this negatively impacts the quality of their learning at university. Research into law students has shown that around one-third of law students experience higher levels of psychological distress than the general population after their first year of study at law school. Using self-determination theory from positive psychology as a lens, this chapter identifies threshold concepts in law, such as 'legal reasoning', as holding the key to future directions in legal education that support law student well-being.

Introduction

Well-being is an important issue in contemporary education contexts because the psychological health of students, at all levels of learning, is a critical component of their capacity to learn effectively. A large body of research literature has now established that it is important that tertiary educators attend to student well-being if student learning success at university is to be adequately supported (Baik et al., 2017, and 2019). The discipline of law is no exception (Field, Duffy and James, 2016; Krieger, 2002; Strevens and Field, 2019). Indeed, what we know about law student mental health, and the critical relationship between psychological well-being and student learning success, can be seen as creating a moral imperative for legal educators to intentionally seek to reform curricula to promote law students' well-being. We see curriculum reform beginning as a semi-continuous process of improving what we do individually to support student learning in the classroom. The focus of this process should be on activities that are directed towards issues of well-being located within the *content* of the curriculum; discrete activities that over time are integrated, consolidated and evaluated at key locations of transformational learning within the *structure* of the curriculum, thus reflecting a professional (and accountable) commitment to the aforementioned moral imperative.

In general, 'well-being' is a psychologically complex construct, and the manifestation of the condition (or not) of 'well-being' may be a function of several variables located within the personal experience of a student's engagement with both the content, and also the context, of learning. Such experience occurs in cognitive, affective and ontological domains. Apart from prior knowledge, and the driving forces of 'motivation' and 'intention' to 'learn' (to become a

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lawyer), such personal experience is furthermore fundamentally mediated by (variation in) the conception of 'learning' itself in a given legal education context. The conception itself reflects how 'learning' is therefore likely to function in process terms. And whatever influences the 'learning process' in context is fundamentally important, because 'process' is substantively the *mechanism of production* of learning outcome. The point is that 'well-being' can adversely influence the quality of the process (and therefore the quality of the associated outcome) but for the individual student the condition of 'well-being' itself is not attributable to or compromised by a single factor.

In contemporary times, the stressors that impact on well-being are diverse and the extent and nature of their impact on people and communities are always relative and contingent. In spite of these complexities, basic human needs theory – a sub-theory of positive psychology's meta self-determination theory (SDT) – offers law teachers (and other educators in universities across disciplines) one interpretive theoretical framework for understanding both the condition of student distress and also specific strategies for curriculum reform intended to better support student well-being and learning success (Krieger 2011; Larcombe et al., 2015).

Using SDT as a lens, this chapter proposes that the teaching of legal threshold concepts in law school offers a significant opportunity to address the basic human needs of students and contribute to the promotion of law student well-being. For this reason, we argue that a key future direction for curriculum reform in law schools is the effective teaching of key threshold concepts in law; such as, for example, 'legal reasoning' – the discursive process that introduces students to the characteristic mode of reasoning and explanation within the discipline – what it means to 'think like a lawyer'.

First, this chapter discusses what is known about law student well-being and experiences of psychological distress at law school. SDT and basic human needs theory are used to explain why law school learning environments can impact negatively on law students' psychological well-being. Second, we consider Meyer and Land's Threshold Concept Framework (2003, 2005) and the challenging nature of threshold concepts with a focus on two of their attributes; namely, 'troublesomeness' and 'liminality'. Third, we explain why effectively teaching threshold concepts in law can assist students to overcome these challenges and support the basic needs associated with 'autonomy' and 'competence' as interpreted within SDT. We conclude that the effective teaching of threshold concepts can positively impact on law students' well-being and learning outcomes, and that this process should therefore be integral to, and explicitly prioritised, in curriculum reform in law schools.

This chapter complements Chapter 9 by Caroline Strevens, which considers the connection between law student well-being, motivation and autonomy support; linking higher levels of well-being with ethical and professional behaviour. The common theme between our two chapters is the importance of SDT in informing our understanding of student well-being and learning success. As a consequence, SDT can be seen as an important theory to inform future directions for legal education that promote law student well-being.

Law student psychological distress

Members of the Australian and UK tertiary education sectors are increasingly concerned about the high levels of psychological distress being experienced by university students at large (Boon, 2018; Clough et al., 2018; Turner et al., 2014). In Australia, Stallman's 2010 and 2011 studies, for example, showed a clear deterioration in the psychological well-being of students at university. The 2010 study by Leahy et al. across the Faculties of Psychology, Law and Mechanical Engineering at the University of Adelaide also indicated cause for concern, with 48 percent of the 955 students surveyed with the K10 instrument identified as psychologically distressed (a K10 score greater than or equal to 22) – this equating to a rate 4.4 times that of age-matched peers.

Australian scholars have been particularly active in leading enquiry and action on this important issue in the last decade (Baik et al., 2017; Cranney et al., 2012; Field et al., 2016). However, scholarship has also grown significantly globally (Ibrahim et al., 2013), with work in the UK, for example, the University Quality of Life and Learning project (Audin, Davy and Barkham, 2003), the Quality of Working Life assessment tool (Edwards et al., 2009) and the development of the Warwick-Edinburgh Mental Well-Being Scale (WEMWBS) (Tennant et al., 2007), confirming that student psychological well-being warrants careful attention in educational environments (Bewick et al., 2010).

The focus of this chapter is on the negative effect that the study of law can have on the psychological health of law students. Research and scholarship in the US have long established that legal education can have deleterious effects on law students' psychological well-being. One of the first articles on this topic was published in 1968 (Watson) and the significant body of work by Lawrence Krieger, both alone and with Kennon Sheldon (Krieger, 2011; Krieger and Sheldon, 2015; Sheldon and Krieger, 2004, 2007) and many others has offered important explanations for this distress, along with suggestions for addressing it.

The 2009 Report of Sydney University's Brain and Mind Research Institute (BMRI) *Courting the Blues*, was one of the first empirical studies in Australia to provide rigorous evidence that

Australian law students suffer disproportionately high levels of psychological distress (Kelk et al., 2009). The BMRI Report found that more than one-third (35 percent) of law students surveyed suffered high to very high levels of psychological distress (Kelk et al., 2009, p.11). At the time of the release of the Report, these levels of psychological distress were 17 percent higher than those recorded for medical students, and more than 20 percent higher than those found in the general population (Kelk et al., 2009, p.11). Since the publication of that Report, Australian scholarly work in the field has continued to investigate the psychological well-being of students at a range of Australian law schools (Field et al., 2016). This body of research, including Larcombe and others' work at the University of Melbourne (Baik et al., 2019; Larcombe et al., 2015), and Bergin and Pakenham's studies at universities in Queensland (2014), further confirms that law students are experiencing worryingly high levels of psychological distress (relative to the general population) after their first year of law school.

Consternation about law students' well-being inevitably quickly turns to discussion of the possible causes of the experience of psychological distress, with a view to understanding how best to formulate suitable solutions. There are several such possible causes and many scholars have sought to identify them. Daicoff, for example, has highlighted research suggesting that students who choose to study law are often high academic achievers who may have a predisposition to competitiveness, high personal expectations, perfectionism and pessimism (2004). Tani and Vines (2007) additionally found that the high levels of extrinsic motivation presenting in many law students were associated with the experience of psychological distress. The common characteristics of individual law students are clearly only one of many possible explanations. The nature and experience of legal education itself also warrants scrutiny. A number of writers have suggested that the highly competitive nature of the learning environment at law school may be a factor causing distress, because law students feel as if they are competing not only for good grades, but also for limited jobs on graduation (Kelk et al., 2009; Stallman 2012). A body of additional literature suggests that law school may be experienced by students as adversarial, intimidating and isolating (Grover 2008; Lake 2000; Townes O'Brien et al., 2011a, 2011b), causing feelings of inferiority, inadequacy, anxiety, alienation, paranoia and depression (Benjamin et al., 1986; Hall, Townes O'Brien & Tang 2010; Hess 2002; Iijima 1998). Hess has noted that law students are taught to think in ways that minimise interpersonal skill development and emphasise 'tough-minded analysis, hard facts, and cold logic' (2002, p.78; Townes O'Brien et al., 2011a, 2011b). Krieger and Silver have additionally identified that legal education requires students to think predominantly in rigorously analytical ways, with intellectual excellence rewarded at the expense of other

qualities that might support well-being (Krieger 1998, p.24), such as values, morality, character, imagination and emotional intelligence (Silver, 1999).

A range of other stressors are common to the experience of legal education: a heavy, demanding and time-intensive learning workload that is specifically focused on large volumes of dense and complex reading from which personal meaning has to be extracted and developed; subject content and assessment that are often intellectually difficult and challenging; high expectations that students will be internally motivated and, correspondingly, effective, self-regulated and independent learners; performance pressures in relation to self and in comparison with others; a lack of feedback (particularly a lack of positive feedback); and an absence in the curriculum of a balanced focus on real-world and life skills as well as ethical attitudes and dispositions (Krieger, 2002).

A possible consequence of such stressors is the development in students of a sense of 'imposter syndrome' (Lake, 2000). That is, a sense that they do not belong in (or merit being at) law school and will soon be found out and exposed as inadequate. It has been noted that some students respond to the stressors of law school by adopting a 'social mask' (Hall et al., 2010; Reich 1976). The 'mask' is one of strength, confidence, fortitude, action and enthusiasm. It hides the reality of the lived experience of feelings of insecurity, a lack of confidence, anxiety and uncertainty (Sheldon and Krieger, 2004).

SDT, and in particular its sub-theory about basic human needs, can partially inform the necessary understanding for the required law curriculum reform in response to this issue. SDT is an important and complex macro theory of educational and positive psychology. It seeks to explain behavioural self-motivation and self-determination (Ryan and Deci, 2008, p.654). Basic human needs theory identifies three key psychological needs if human beings are to experience self-motivation, self-determination and well-being (Niemiec, Ryan and Deci, 2010), namely: autonomy, competence, and relatedness. 'Autonomy' is experienced when a person has a sense of agency; their behaviour is self-governed and volitional; and they have integrity because they are able to act in ways that are congruent with their beliefs, values and interests. 'Competence' involves feelings of ability and capability in relation to tasks and challenges, having a sense of mastery; and thus experiencing 'effective interactions with the environment' (Niemiec et al., 2010, p.176). 'Relatedness' is concerned with meaningful and reciprocal connections with key others. These connections address the human desire to bond, interact and engage with other people, and also to care for them (Niemiec et al., 2010,p.176). Strevens discusses these elements of SDT in more detail in Chapter 4 in which she argues that using an SDT lens to assess the language used in law schools, the physical spaces designed for

learning and the behaviours of law staff, can assist with design and approaches that better support law student well-being.

Within the SDT model the 'basic needs' lens provides one way of understanding why the stressors of law school fail to support law student well-being and may contribute to the experience of psychological distress. The law school environment undermines student autonomy because, while students are largely held responsible for making sense of their own learning as independent learners, they are offered limited opportunities to experience agency. The competitive, adversarial nature of the learning environment and the need to wear a 'social mask' may also compromise their learning integrity and cause students to act incongruently with their beliefs and values. Further, the opaque curriculum and emphasis on student self-motivation and direction could be argued as compromising students' sense of competence. Students are often not explicitly supported to develop the capacity for independent, self-regulated learning – a (meta learning) capacity that supports competence and an understanding of expectations at law school. For some, the means for developing this capacity – becoming aware, and being in control, of self in a disciplinary learning context – is an unfortunate mystery, to be discovered at best through trial and error or through chance. 'Unfortunate' because it has been demonstrated in many empirical studies that the means for developing this capacity can be integrated into the learning experiences of, in particular, the concepts that 'really matter' within the discipline. (A detailed qualitative and quantitative study by Meyer, Ward and Latreille (2009) operationalises meta learning in the specific context of a threshold concept in economics.) Furthermore, the impact of 'imposter syndrome' when present exacerbates feelings of inadequacy and inability, fuelling a sense of not belonging or fitting in. Finally, the discussion of the law school learning environment above indicates that it can be isolating, and negatively impact opportunities for relatedness with others, because stressors such as heavy workload and complex subject matter cause students to feel as if they have significantly less time for family, friends and recreation than before they attended law school (Segerstrom, 1996, p.602).

If we intentionally begin to reform curricula with the three basic needs of autonomy, competence and relatedness in mind, and with the purpose of harnessing students' intrinsic motivations, then curriculum support for student well-being comes into view. However, it is important to note that not just any curriculum reform will do. Tang reminds us that curriculum reform intending to promote student well-being must be deeply justifiable, carefully and intentionally chosen, and informed by evidenced-based practice (Tang, 2014). In the next section, we explain how effectively teaching legal threshold concepts is one such justified

reform, because it can support the three basic human needs of law students and, in particular, their autonomy and competence. We begin by explaining threshold concepts. We then discuss why teaching threshold concepts well in law is important to the student experience of autonomy and competence, and thus an effective curriculum strategy for the promotion of law student well-being.

Threshold concepts

Meyer first proposed the notion of a 'threshold concept' at a research project meeting held at the University of Edinburgh in February 2001 (Meyer, 2014, p.5). This notion was subsequently developed and formally expressed in two seminal papers (Meyer and Land, 2003, 2005). A basic introduction is that, in many disciplines, one can associate transformational learning experiences (involving, in particular, cognitive and ontological shifts) with a particular class of concepts, the apprehension and internalisation of which can be likened to a journey through a 'liminal' space towards a 'conceptual gateway':

> [A] portal, opening up a new and previously inaccessible way of thinking about something. It represents a transformed way of understanding, or interpreting, or viewing something without which the learner cannot progress. As a consequence of comprehending a threshold concept there may thus be a transformed internal view of subject matter, subject landscape, or even world view. This transformation may be sudden, or it may be protracted over a considerable period of time, with the transition to understanding proving troublesome. Such a transformed view or landscape may represent how people 'think' in a particular discipline, or how they perceive, apprehend, or experience particular phenomena within that discipline (or more generally). (Meyer and Land, 2003, p.1).

As Åkerlind et al. (2010, p.2) explain, the transformative nature of threshold concepts relates to the way in which understanding them 'enables students to coherently integrate what were previously seen as unrelated aspects of the subject, providing a new way of thinking about it'; and Davies has stated: 'when an individual acquires a threshold concept the ideas and procedures of the subject make sense to them when before they seemed alien' (2006, p.74). Threshold concepts have been called the 'jewels in the curriculum' (Land et al., 2005, p.5), playing a 'diagnostic role' in curriculum design 'highlighting for teachers areas that deserve special attention, not only because they represent transformative learning points, but because

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this is where students are most likely to experience difficulties in their learning' (Åkerlind et al., 2010, p.2).

There has been relatively little consideration of legal threshold concepts in the vast threshold concepts literature (see, however, for example, Åkerlind et al., 2011; Huxley-Binns, 2016; Steele, 2019; Weresh, 2013). Nevertheless, a number of threshold concepts for law are identifiable that satisfy the key characteristics of being experienced in varying degrees (attributable to, for example prior knowledge) as transformative, irreversible, integrative, bounded and troublesome (Meyer and Land, 2003). For example, concepts such as the rule of law, and the notion of precedent. One of the most critical threshold concepts for law, however, is legal reasoning (Åkerlind et al., 2010, p.3) because it is the foundation on which the law curriculum, and indeed legal practice, is constructed.

Understanding and being able to enact legal reasoning is transformative because it provides students with a sense of self-identity as a lawyer. A student who can effectively conduct legal reasoning has passed through a portal of knowing what it means *to be* a lawyer. Once inducted into legal reasoning, a student is able to formulate and assess arguments from multiple perspectives. They can accept nuance and uncertainty in legal argument and they can manipulate legal information to be persuasive. Being proficient at legal reasoning helps students comfortably to problematise and question facts as well as the boundaries and limits of issues. However, the transformative nature of legal reasoning is iterative, sometimes taking three or four semesters (or a lifetime) to master. The teaching of the concept in the first year is a critical first step on that pathway.

Legal reasoning is integrative because it facilitates student understanding about what lawyers *do*. Learning legal reasoning inculcates students into the integrated nature of the culture and discourse of legal argument and the importance of authority and evidence to its efficacy. The ability to engage in legal reasoning is also irreversible. Once a student is able to reason, analyse, argue like a lawyer, and use authority to provide evidence for a position and assertions, they are unable to undo that skill.

Perhaps most importantly for the purposes of this chapter, legal reasoning is a troublesome concept because it contradicts some of the students' prior assumptions (or the everyday 'ways of knowing' the things they were familiar with up to the point of entry to law school) and asks them to *think differently*. For this reason, it takes them out of their comfort zone, forcing students to reconsider, and possibly change, their preconceptions about what law is, what it can achieve and who they might become as a lawyer.

Rachael Field and Jan H.F. Meyer

Threshold concepts, psychological distress and learning success

The 'troublesome' but 'transformative' nature of a threshold concept such as legal reasoning, and the fact that learning such a concept may involve a protracted process over time, provides insight, we believe, into understanding law student psychological distress.

As law students struggle to understand threshold concepts, such as legal reasoning, particularly in their first year, they may experience feelings of uncertainty, ambiguity and disorientation. The Threshold Concept Framework has used the notion (taken from anthropology) of 'liminality' to explain why these feelings are associated with learning such concepts. Arnold van Gennep (1909) introduced the concept of liminality when he found that people going through transitional life states shared certain characteristics. The idea was later taken up by Turner (1959), who viewed it as a state of being, or space, where the transitioning person may experience disconnection, having 'lost' their previously settled state but not having achieved a new one to replace it. Connecting this with threshold concept theorising, Land (2014) has described the state of liminality as follows:

> [L]iminality is a kind of flux. It is a space provoked by some encounter with a threshold concept and it renders things fluid, less certain than they used to be, and it starts to transform the learner … it is a suspended state in which students can sometimes struggle to cope … it often feels like a space where you are losing things … where you have to let go of your prevailing way of seeing, your prior understanding and your prior schema … Letting go in that way is challenging and I think that is one of the key sources of troublesomeness. (p.1)

Considering these descriptions of liminality through the lens of SDT, it is apparent that a student in these 'stuck places' of doubt, confusion and uncertainty is the very converse of a 'self-determining individual' with autonomy and a sense of competence. For this reason, sites of liminality offer useful explanations of student distress, but also opportunities to further explore teaching approaches that seek to preserve student well-being.

Although a first thought may be to seek strategies to bypass the liminal stage, this would be to misunderstand its nature. It is a period of transition that should not, indeed cannot, be eliminated. As Land (2014) states:

> Liminality is a difficult space, but it is also a space of emergence in which emergent entities (in this case thoughts or states) 'arise' out of more fundamental entities and yet are 'novel' or 'irreducible' with respect to them. (p.2)

> In the end hopefully these signs will coalesce and students will gain a transformed understanding. But there will be, while that is happening, a period of conceptual uncertainty. (p.7)

Threshold concepts may well be troublesome, casting students into a liminal space of uncertainty and anxiety, but they are also transformative, and this is why they hold the key to law student learning success and well-being. That is, the experience of liminality and dissonance, in relation to learning legal threshold concepts such as legal reasoning, is a critical aspect of the epistemological change necessary for successful learning on the path to *becoming* and *thinking* like a lawyer because learning success is what results from the 'dissonance' and liminal state.

Meyer and Timmermans (2016, p.28) further unpack this point:

> 'Troublesome' concepts can unlock developmental progression, their power being that "they trigger dissonance not only at the cognitive and affective levels, but also dissonance at the epistemological level, calling upon learners to 'change their minds', not by supplanting *what* they know, but by transforming *how* they know". (citing Timmermans, 2010, pp.10–11).

Meyer and Timmermans (2016, p.28) comment further that:

> 'Troublesomeness', for example, can be used deliberately to provoke the condition of a liminal state that captures inter-individual variation across cognitive, epistemic and ontological dimensions. That is, variation in those critical features of threshold concepts that might be apprehended or experienced by students as weird, illogical, counter-intuitive, unsettling and alien, leading to 'stuck places'.

The words 'weird', 'illogical', 'counter-intuitive', 'unsettling' and 'alien' powerfully evoke a range of uncomfortable, even distressing, feelings that students may experience while attempting to engage with threshold concepts. This supports the conjecture that there is an association between particular states of liminality and (the evidence we have of) the decline in the psychological well-being of law students. Auton-Cuff and Gruenhage's 2014study, 'Stories of persistence: the liminal journeys of first-generation university graduates' gives further credence to this conjecture, as does Timmermans and Meyer's recent work on linking cognition, emotion, and learning (2020) in which they emphasise that 'more integrative conceptions of learning that capture the process of covariation between cognition and affect

may allow us better to acknowledge the 'whole person' (2020, p.53), and thus reform curriculum to support student well-being through connecting the students' whole selves with their cognitive states (2020, p.53). Such approaches clearly can support student autonomy, competence and relatedness because they recognise how affective troublesomeness is joined up with cognitive troublesomeness (2020, p.56). As Rattray (2016, p.73) states, learners who are supported to believe that:

> [T]hey are capable of understanding new ideas (self-efficacy), who make positive attributions in relation to their potential for success (optimism), who can monitor and re-align goals and the pathways to attaining these goals (hope) and who do not give up in spite of the difficulties they encounter with the new knowledge (resilience) may be able to cope with liminality more effectively than those who lack these affective assets.

The curriculum reform key here is to explicitly teach both legal threshold concepts well, as well as the affective assets to make the most of that learning. The core affective asset is the ability to accept the experience of 'liminality' as an episodic compromise of well-being, one that – in terms of the full degree and achievement of inculcation into a discipline – is also an experience that can ultimately, with appropriate support, explicit explanation and understanding, be positively harnessed.

Encounters with threshold concepts and associated transitions of liminality may invoke feelings of distress and uncertainty, that, ethically, legal educators are compelled to respond to. 'Ethically' because theoretically underpinned approaches to so respond are known and are increasingly being documented in relation to curriculum reform and associated teaching strategies. Students need to know that their learning well-being is valued. But they also need to know that, although there will be obstacles to learning that might compromise their well-being, there will also be in place a supportive environment intended to empower them to take control of their learning behaviour and self-initiate change in managing these challenging, and hopefully transient, learning episodes. Meyer and Timmermans trenchantly comment that 'dissonance' may be 'deliberately provoked' to propel the student into the state of liminality; a state that offers an opportunity to simultaneously address issues of autonomy, competence and relationality in an integrated manner. The principle of 'do no harm' is important – but some supported challenges may be necessary on the way to a sustained future of 'thinking like a lawyer' and *becoming a lawyer*.

The manifestations of cognitive and affective well-being experiences that were earlier discussed from the STD perspective deserve further comment here. Some of the constructs involved have been extensively used, in both the qualitative investigation, and in the quantitative (statistical) modelling, of (variation in) the quality of learning outcomes. Simply put, some constructs – for example, reproductive and externally regulated learning processes, external forms of motivation and intentions to reproduce rather than understand learned material, coupled with perceptions of a heavy workload – constitute theoretically 'at risk' dimensions of variation in learning behaviour. More complex *dissonant* patterns of variation are defined by combinations of constructs that are conceptually and theoretically incompatible. Meyer and Shanahan (2003) further demonstrate that dissonant learning processes (embodying contrasting forms of 'memorising' and 'repetition') can be explicitly modelled. The challenge for legal education is that, for some students the aforementioned patterns may be persistent, preventing, by definition, progression to transformational learning outcomes.

Such persistence effectively puts students in distressed conflict with their learning environments, precluding contextualised deep-level, integrative learning within the discipline. Acknowledging these dim realities creates an imperative for legal educators both to better understand the student experience, and especially so in terms of interpretive and explanatory models of student learning that are *discipline specific*. The real challenge is to focus on those transformational learning experiences that really matter; those learning episodes that capture the quintessential essence of the liminal process of becoming, self-identifying as, and transforming into, a lawyer. It is self-evident that purposeful, congruent intention and self-regulated process towards achieving this outcome must be reflected within the curriculum rather than outside it in some 'bolt-on' tinkering. Intentional curriculum reform is therefore the mechanism for influencing and guiding students in ways intended to promote student learning well-being in the most fundamental sense (Field and Kift, 2010; Kift, 2008).

Concluding discussion

The law curriculum offers a rich environment for the development of strategies to support law student well-being. While extra-curricular strategies in universities – such as study skills programmes, counselling, peer support and mental health and wellness initiatives – will always be important, the curriculum provides a site for the foregrounding of student well-being, meeting the students where they are, and normalising the importance of attending to wellness for the sake of achieving student learning success.

The Threshold Concept Framework provides an important lens on positive ways to make direct links between curriculum content (what we teach), teachers (and their practice) and the student learning experience (which directly influences well-being). The transformational and irreversible nature of threshold concepts means that, when taught effectively, they can facilitate and promote student well-being, because they support autonomy and competence. The transformative nature of threshold concepts, and the often troublesome cognitive and affective learning episodes that are associated with them, present challenges for learners and teachers alike. Left unsupported, some students will experience the liminal journey as traversing terrain that is perceived to be alien and threatening. And yet Timmermans and Meyer emphasise that: 'One of the great strengths and contributions of the Threshold Concepts Framework is that it puts learning at the centre of teaching. Yet, do we sometimes lose sight of the very human learner who is the location of this learning?' (2020, p.51).

Here then, in the spirit of promoting learning well-being, lies a challenge to change the alien and threatening into the exotic but alluring – a challenge that, for the individual teacher may appear daunting. So, where to start? And how might a productive analysis for, and of, a threshold concept within the curriculum translate into a deeper understanding of student learning well-being in relation to that concept, informing in turn a change of practice as a first step in curriculum reform? A detailed case study by Meyer (2016) – referencing earlier work by Meyer (alone, and with colleagues) – provides discursive account of threshold concepts analysis and clarification of some associated terminology. With a threshold concept 'in hand', and harnessing the notion of 'Integrated Threshold Concept Knowledge' as proposed by Meyer and Timmermans (2016) (see also Timmermans and Meyer, 2017), it becomes possible to envisage ways of teaching threshold concepts through novel, and theoretically underpinned, methods for effective learning and teaching purposes and with a view to improving student engagement, satisfaction, performance and well-being. This, we believe, is an important future direction for legal education.

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